

HOURS OF DUTY AND LEAVE

1. REASON FOR ISSUE: To issue Department of Veterans Affairs (VA) procedures regarding hours of duty and leave.

2. SUMMARY OF CONTENTS/MAJOR CHANGES: This handbook sets forth mandatory procedures previously contained in numerous other issuances. The pages in this handbook replace the corresponding page numbers in VA Handbook 5011. Revised text is contained in [brackets]. These changes will be incorporated into the electronic version of VA Handbook 5011 that is maintained on the [Office of Human Resources Management Web site](#). Significant changes include:

Establish a new leave category in accordance with the Wounded Warriors Federal Leave Act of 2015 known as “Disabled Veteran Leave” for title 5 and title 38 employees.

3. RESPONSIBLE OFFICE: The Office of Human Resources Management, Worklife and Benefits Service (058).

4. RELATED DIRECTIVE: VA Directive 5011, “Hours of Duty and Leave.”

5. RESCISSIONS: Refer to the Transmittal Sheet for VA Handbook 5001, “General Introduction and Administration.”

CERTIFIED BY:

**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

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[21. DISABLED VETERAN LEAVE.] Disabled Veteran leave is provided by the Wounded Warriors Federal Leave Act of 2015 (Public Law 114-75, November 5, 2015) (hereafter referred to as “the Act”). The Act added a new section 6329 in title 5, United States Code, which provides a one-time credit of “disabled Veteran leave” to any Federal employee ***hired on or after November 5, 2016***, who is a Veteran with a service-connected disability rated at 30 percent or more for purposes of undergoing medical treatment for such disability for which sick leave could regularly be used.

a. Coverage

(1) Title 5 employees, scientific and professional personnel and hybrid title 38 employees appointed under 38 U.S.C. 7401(2), 7401(3) or 7405(a)(1)(B) are covered by the provisions of this chapter.

(2) Disabled Veteran leave will be available only to an eligible employee hired on or after November 5, 2016. The term “hired” refers to employees who are—

(a) newly hired with no previous Federal civil service,

(b) reappointed with at least a 90-day break in service, and

(c) military reservists or members of the National Guard who return to duty in their civilian positions after a period of military service (during which the individual was in continuous civilian leave status).

(d) Disabled Veteran leave is only available to employees with a service-connected disability rated at 30 percent or more, as determined by the Veterans Benefits Administration.

b. Qualifying Service-Connected Disability

(1) For purposes of disabled Veteran leave, a “qualifying service-connected disability” means a service-connected disability rated at 30 percent or more, as determined by the Veterans Benefits Administration. This would include a combined degree of disability of 30 percent or more that reflects the combined effect of multiple individual disabilities. A disability is not qualifying unless the 30 percent rating is in effect, based on the effective date established by the Veterans Benefits Administration.

(2) For the purpose of determining whether an employee has a qualifying service-connected disability, a temporary disability rating issued by the Veterans Benefits Administration under 38 U.S.C. 1156 is considered a valid rating for as long as such rating is in effect.

(3) To establish eligibility for disabled Veteran leave, an employee must provide his or her employing agency with documentation from the Veterans Benefits Administration certifying that the employee has a qualifying service-connected disability.

c. Benefit Period

(1) This new leave category is a one-time benefit. Once an employee has been provided the leave benefit, he or she will not have any further entitlements to the benefit. Disabled Veteran leave is available during the continuous 12-month period following the “first day of employment”, which is the “12-month eligibility period”.

(2) The disabled Veteran leave may be used up to the expiration of the 12-month eligibility period, and any unused leave is forfeited at that time. Unused disabled Veteran leave may not be cashed out and paid as a lump sum.

(3) The 12-month eligibility period starts on the “first day of employment,” which is the first day an employee is in a covered position occurring on the later of—

(a) The earliest date an employee is hired after the effective date of a qualifying disability; or,

(b) The effective date of a qualifying disability (i.e., the hiring event occurs before the effective date).

Note: The effective date is generally either the day after the date of military discharge (if person filed disability claim within 1 year of discharge date) or the date the claim was filed.

d. Crediting Disabled Veteran Leave

(1) Upon receipt of the certifying documentation under 5 CFR 630.1304, 104 hours of disabled Veteran leave must be granted to a full-time employee;

(2) For an employee on a part-time work schedule, the 104 hours is prorated based on the number of hours in the part-time schedule (e.g., 52 hours for half-time schedule);

(3) For an employee on an uncommon tour of duty, 104 hours is proportionally increased based on the number of hours in the uncommon tour relative to the hours in a regular full-time tour (e.g., 187 hours for an employee with a 72-hour weekly uncommon tour of duty).

e. Offset of Disabled Veteran Leave

(1) Disabled Veteran leave must be offset for an employee who has a qualifying hire event, i.e., 90-day break in service or return to duty from military deployment.

(2) The amount of disabled Veteran leave initially credited (104 hours) must be offset by the number of hours of sick leave an employee has credited to his or her account as of the first day of reemployment. (e.g., if an employee is being reappointed and having sick leave reccredited upon such reappointment, the amount of disabled Veteran leave must be reduced by the amount of such reccredited sick leave. Similarly, if an employee is returning to civilian duty status after a period of leave for military service, that employee may have a balance of sick leave, which must be used to offset the disabled Veteran leave).

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f. Usage of Leave for Medical Treatment

(1) Disabled Veteran leave may be used only for the purpose of medical treatment of a qualifying service-connected disability.

(2) The employee must self-certify that the disabled Veteran leave is being used (or was used) for the treatment of the qualifying service-connected disability.

(3) Management may require, at its discretion, additional medical certification from a health care provider that the treatment provided was for the qualifying service-connected disability.

(a) If management requires a signed written medical certification by a health care provider, management may specify that the written certification include:

1. A statement by the health care provider that the medical treatment is for one or more service-connected disabilities of the employee that resulted in 30 percent or more disability rating;

2. The date or dates of treatment or, if the treatment extends over several days, the beginning and ending dates of the treatment;

3. If the leave was not requested in advance, a statement that the treatment required was of an urgent nature or there were other circumstances that made advanced scheduling not possible; or

4. Any additional information that is essential to verify the employee's eligibility.

(4) Qualifying medical treatment may be provided or prescribed by any health care provider who is covered by the definition of "health care provider" in OPM's Family and Medical Leave Act (FMLA) regulations in 5 CFR 630.1202.]

[e. Disabled Veteran Leave. The Office of Personnel Management regulations published in 5 CFR 630.1301-1307 will be used to implement the statutory requirements for administering disabled Veteran leave entitlements for employees appointed under 38 U.S.C. chapter 73 and 38 U.S.C. 7401(1).

(1) Upon receipt of the certifying documentation under 5 CFR 630.1304, full-time and part-time physicians, dentists, podiatrists, chiropractors, optometrists, nurses, nurse anesthetists, physician assistants (PAs), and expanded-function dental auxiliaries (EFDAs), appointed under authority of 38 U.S.C., chapter 73 and 38 U.S.C. 7401(1) must be granted disabled Veteran leave.

(2) Full-time physicians, dentists, podiatrists, chiropractors, and optometrists appointed under 38 U.S.C. 7401(1) leave is credited and used by the day, therefore the 104 hours of disabled Veteran leave is intended to provide the equivalent of 13 days of leave. The requirement to convert the hours of disabled Veteran leave to days is accomplished by using an 8-hour divisor for these title 38 employees (i.e., 104 hours divided by 8 = 13 days).

(3) Full-time nurses, nurse anesthetists, PAs, and EFDAs must be granted up to 104 hours of disabled Veteran leave.

(4) For part-time employees, the 104-hour disabled Veteran leave entitlement must be prorated based on the number of hours in the part-time schedule (e.g., 52 hours for half-time schedule).

*Note: The OPM Pay and Leave office guidance on **The Application of the Disabled Veteran Leave Provision to Title 38 Employees for Whom Leave is Charged on a Daily Basis, November 2, 2016**, documents the position of OPM regarding the policy of applying disabled Veteran leave to title 38 employees who are under a leave system in which leave is charged on a daily basis—i.e., full-time physicians, dentists, podiatrists, chiropractors, and optometrists.]*

8. RELIGIOUS, STATE AND LOCAL HOLIDAYS

a. Religious Holidays. While there is no official observance of religious holidays, except those which may also be national holidays, it is the policy of VA to permit, when practicable, absence from work for those employees who desire to observe religious holidays. Employees may, under provisions of Public Law 95-390, and applicable regulations, elect to work compensatory overtime for the purpose of taking